



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/634,093

08/04/2003

Naomasa Takahashi

09812.0348-00000

5881

22852

7590

03/18/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

BECKER, SHASHI KAMALA

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

03/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,093	Applicant(s) TAKAHASHI, NAOMASA	
	Examiner Shashi K. Becker	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4-6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizutome et al (hereinafter Mizutome), US 2002/0078447.**

- **In regards to claims 1, 5, 6, and 9,** Mizutome teaches an electronic apparatus comprising: a display controlling means for controlling the display of an image on a screen (Figure 19 and 20); a storing means for storing a plurality of types of constitutive elements for generating a program for displaying an image the screen, and for storing display information for a constitutive element from the plurality of types of constitutive elements (Figure 19 and 20); a first selection means for selecting a screen layout from a plurality of screen layout options that are consecutively displayed (page 4 paragraph [0081]); a generation means for generating a new image including the selected screen layout (page 6 paragraphs [0103]-[0106], wherein when a screen layout is selected it is then generated as a new image), a first constitutive element selection area (Fig. 20, wherein the first area is the submenu area of window 1 and the first element is the selected item from the submenu), and a second constitutive element selection area (Fig. 20, wherein the first area is the submenu area of window 2

Art Unit: 2179

and the second element is the selected item from the submenu), wherein the first constitutive element selection area and the second constitutive element selection area are not displayed within the selected screen layout (Fig. 20, wherein the selection areas in figure 20 are menu displays not within the selected screen layout); and a second selection means for selecting a first constitutive element displayed within the first constitutive element selection area (page 8 paragraphs [0122]-[0125], Figures 18A-C and 22, wherein the second selection means of a first constitutive element is choosing a channel on TV to be displayed and the first selection area is the main display (Fig. 18C, "News TV1)), and a second constitutive element displayed within the second constitutive element selection area, wherein the second constitutive element selection area displays more than one source of information (page 8 paragraphs [0122]-[0125], Figures 18A-C and 22, wherein the second constitutive element is choosing another channel on TV to be displayed and the second selection area is a smaller corner display (Fig. 18C, "News headlines" or "weather forecast," and wherein more than one source of information is the "clock display" in the second constitutive element selection area (Fig. 18C))), and the generation means generates the program (page 3 paragraph 0073]).

- **In regards to claim 4**, Mizutome teaches wherein the storing means stores a program generated by the generation means (page 4 paragraph [0083] and page 5 paragraphs [0094] and [0095]).

Response to Arguments

Applicant's arguments filed 12/1/08 have been fully considered but they are not persuasive.

Applicant argues that Mizutome does not teach a first constitutive element selection area, and a second constitutive element selection area, wherein the first constitutive element selection area and the second constitutive element selection area are not displayed within the selected screen layout.

Examiner disagrees. Mizutome does teach a first constitutive element selection area (Fig. 20, wherein the first area is the submenu area of window 1 and the first element is the selected item from the submenu), and a second constitutive element selection area (Fig. 20, wherein the first area is the submenu area of window 2 and the second element is the selected item from the submenu), wherein the first constitutive element selection area and the second constitutive element selection area are not displayed within the selected screen layout (Fig. 20, wherein the selection areas in figure 20 are menu displays not within the selected screen layout). The first and second constitutive element selection areas are both displayed on a different display page than the selected screen layout and are therefore not within the selected screen layout. Furthermore, Mizutome then meets the claim limitations 1, 4, 6, and 9.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shashi K Becker/
Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179